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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,286	01/21/2000	David A. Cathey	2269-7129.2US	5649

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EXAMINER	
PATEL, ASHOK	

ART UNIT	PAPER NUMBER
2889	

NOTIFICATION DATE	DELIVERY MODE
01/15/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

Response to Rule 312 Communication	Application No.	Applicant(s)
	09/489,286	CATHEY ET AL.
	Examiner	Art Unit
	Ashok Patel	2889

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 06 January 2009 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☒ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

Note:

Applicant's supplemental communication dated 01/06/2009, is acknowledged. The Examiner verified that inventors of the record are all of: David A. Cathey, Surjit S. Chadha and Behnam Moradi.

As to applicant's issue relating to allowance of claims 33-39, it is the position of the Examiner that the claims 33-39 is in view of withdrawal of the prior art rejection of claims 33-39 (in addition to withdrawal of obviousness-type double patenting rejection). Withdrawal of prior art rejection is due to the fact that prior art of the record does not teach or suggest applicant's "claimed" invention as a whole, either taken alone or in combination with other prior art reference of the record. Dependent claims are allowed due to their dependencies upon corresponding allowed independent claim.

/Ashok Patel/
Primary Examiner, Art Unit 2889